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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,664	03/22/2004	Vincent Leva	1365.082US1	1167

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EXAMINER

SANDY, ROBERT JOHN

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/806,664

Applicant(s)

LEVA ET AL.

Examiner

Robert J. Sandy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-25 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/1/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION*****Specification***

The incorporation of essential material in the specification by reference to a foreign application or patent, i.e., European Patent Publication Nos. EP-A-1300093 and EP-A-1300094, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification provides no antecedent basis for "wherein the latch body is connected to the slider body portion by a form locking connection" of claim 4. Appropriate correction is required.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to teach how to make and/or use the invention, i.e., failing to provide an enabling disclosure

The following is a quotation of 37 CFR 1.71(a)-(c):

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

The specification is objected to under 37 CFR 1.71 because it fails to provide an enabling disclosure teaching how to make the claimed invention, as to the following: The specification fails to provide an enabling disclosure teaching how to make the claimed slider “wherein the slider body and the latch body portion are formed of different materials” (claim 10); and wherein “the slider body portion and the surface body portion are formed of different materials” (claim 25). Applicant’s written description fails to identify specific materials and a method that results in the claimed limitations according to the inventions of claims 10 and 25.

Applicant’s specification describes the slider material according to the following:

Page 7, fourth paragraph, merely states that “the head 15, 16 and neck 17, 18 portions could be made of different materials. For example, the head 15, 16 could be made to be resiliently flattenable laterally and the neck 17, 18 kept rigid, ..”;

Page 11, first and second paragraphs describe “[t]he sliders 10, 30 may be formed in a single piece. The forming may be achieved by diecasting, in which case, the material used will be . . . e.g., iron, steel, or tin. Alternatively, the forming may be achieved by injection moulding using suitable plastics material.”; and “By forming the slider 10, 30 of two separate parts . . . different materials by be used . . .”; and

Page 12, third paragraph, “when the slider body is of metal”.

Applicant’s description of the claimed slider presented on the aforementioned pages 7, 11 and 12, does not provide an adequate enabling description on how the claimed slider is made of “different materials’ and what specific material are representative of “different material”.

### ***Drawings***

The formal drawings were received on 19 October 2004 (cert. of mail date). These drawings have been approved.

### ***Claim Objections***

Claims 1 and 5-8 are objected to because of the following informalities:

In claim 1, line 4, “latch body” should be changed to read as - - latch body portion - - to be consistent with “a latch body portion”.

In claim 4, line 1, “latch body” should be changed to read as - - latch body portion - -to be consistent with “a latch body portion”.

In claim 5, line 3, “latch body” should be changed to read as - - latch body portion - -to be consistent with “a latch body portion”.

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In claim 6, line 1, "latch body" should be changed to read as - - latch body portion - - to be consistent with "a latch body portion".

In claim 7, line 2, "latch body" should be changed to read as - - latch body portion - - to be consistent with "a latch body portion".

In claim 8, line 2, "latch body" should be changed to read as - - latch body portion - - to be consistent with "a latch body portion".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement for the reasons set forth in the objection to the specification pertaining to the specification failing to provide an enabling disclosure teaching how to make the claimed slider "wherein the slider body and the latch body portion are formed of different materials" (claim 10); and wherein "the slider body portion and the surface body portion are formed of different materials" (claim 25). The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention..

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12, 13, 15, 16, and 19, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, line 14, the phrase "so unlatching the sliders" appears to be incomplete and is not understood, thereby rendering the claims indefinite.

Claim 16 is indefinite because recitation of "a slider" and "a said latching means" each are not distinguishable from the first and second sliders and latching members established in the base claim 12.

In claim 19, line 3, there is no antecedent basis for "the latch body".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-6, 9, 17-21, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams (U. S. Patent No. 2,621,387). Williams (387) discloses a slider (1, see Figs 24-27) for a slide fastener, the slider having a member (hook 35) for latching the slider to a co-operating slider, wherein the slider has a slider body portion (Fig. 7) which is slidable over elements of a slide fastener to engage and disengage the elements, and a latch body portion (longitudinal extending portion of bail 33 having the hook 35) incorporating the latching member, the latch body being mounted on the slider body portion;

(concerning claim 3) the latch body portion is integrally formed;

(concerning claim 4) the latch body is connected to the slider body portion by a form locking connection (defined by portion of bail 33 adjacent to upper wing plate of slider body portion, as shown in Fig. 27);

(concerning claim 5) the slider body portion has a crown (bail 33 portion having hole 47 therethrough) of for receiving a puller, the crown being mounted at one end on a surface of the slider body portion, and the latch body (integrally) co-operating with the crown to hold the latch body on the slider body portion;

(concerning claim 6) the latch body (integrally) engages with the crown at the said one end;

(concerning claim 9) the slider body portion is integrally formed;

(concerning claim 17) a slider having a slider body portion (1) which is

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slidable over elements of a slide fastener to engage and disengage the elements, and a surface body portion (portion of bail 33) mounted on an upper surface of the slider body portion;

(concerning claim 18) the surface body portion is decorative;

(concerning claim 19) the slider body portion has a crown (bail 33 portion having hole 47 therethrough) for receiving a puller, the crown being (integrally) mounted at one end on a surface of the slider body portion, and the latch body co-operates with the crown to hold the latch body on the slider body portion;

(concerning claim 20) the surface body portion (integrally) grips the crown at the said one end;

(concerning claim 21) the other end of the crown is spaced from the surface of the slider body portion, and the surface body portion is sandwiched between the other end of the crown and the surface of the surface body portion;

(concerning claim 23) the slider body portion is integrally formed; and

(concerning claim 24) the surface body portion is integrally formed.

Claims 1-7, 9, 11-21, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent document No. DE 299 16 218 U1, cited by applicant). See Figures 1-8 of the document No. DE 299 16 218 U1, which discloses:

(concerning claim 1) a slider (6) having a member (hook 28) for latching the slider to a co-operating slider, wherein the slider has a slider body portion (6) which is slidable over elements of a slide fastener to engage and disengage the elements, and a latch body portion (2, 9) incorporating the latching member, the latch body being mounted on the slider body portion;

(concerning claim 2) a resilient latching member (18);

(concerning claim 3) the latch body portion is shown to be integrally formed;

(concerning claim 4) the latch body is connected to the slider body portion by a form locking connection (via bolt 15 through eyelet 13 and hole 14 of base 8);

(concerning claim 5) the slider body portion has a crown (13) for receiving a puller, the crown being mounted at one end on a surface of the slider body portion, and the latch body co-operating with the crown to hold the latch body on the slider body portion;

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(concerning claim 6) the latch body engages with the crown at the said one end;

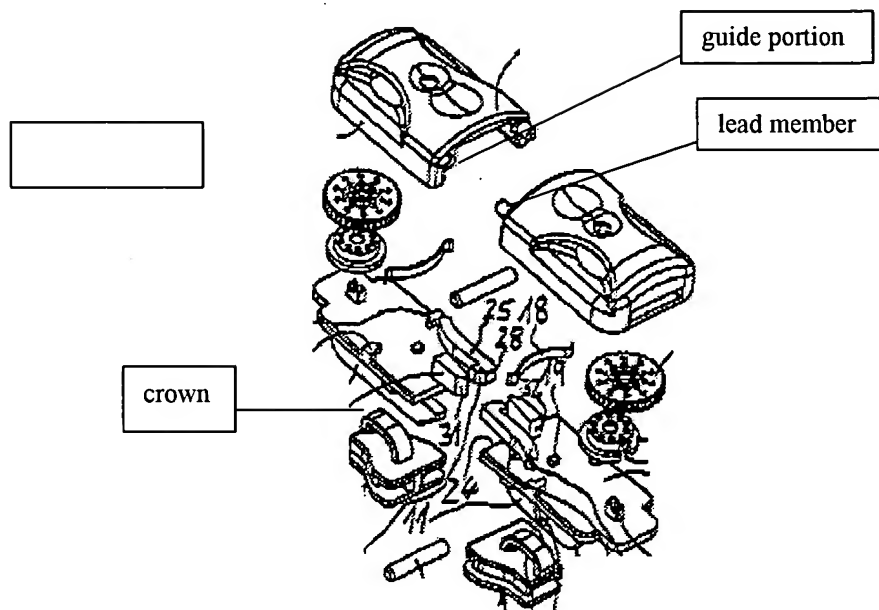
(concerning claim 7) the other end of the crown is spaced from the surface of the slider body portion, and the latch body is sandwiched between the other end of the crown and the surface of the latch body portion;

(concerning claim 9) the slider body portion is integrally formed;

(concerning claim 11) a co-operating slider (7), the co-operating slider having a slide body portion and a separately formed latch body portion (3, other 9) for co-operating with the other latch body portion;

(concerning claims 12-21, 23 and 24) a first slider (6); a second slider (7); first and second resilient latching members (25, 26 with respective springs 18, 40); first and second receiving portions (respective portions having through opening 38; or portion having opening adjacent to respective blocking parts 27); a lead member and a guide portion (See Fig. 1 provide herein); (concerning claim 2) a resilient latching member (spring 18, 40); (concerning claim 15) the sliders 6, 7 are shown in Fig. 1 as being integrally formed; (concerning claim 16, so far as definite) a slider body portion (6); and a latch body portion (2); (concerning claims 17 and 18) a decorative surface body portion (9, 12) mounted (via bolt 15 through hole 14 of base 8) on an upper surface of the slider body portion; (concerning claim 19) a crown (above hole 14); (concerning claims 23 and 24) the surface body portion and slider body portion are each shown as integrally formed.





### *Allowable Subject Matter*

Claim 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ROBERT J. SANDY**  
**PRIMARY EXAMINER**

Robert J. Sandy  
Primary Examiner  
Art Unit 3677